

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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ROY STEWART MOORE and KAYLA MOORE,	:
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Plaintiffs,	:
	:
- against -	:
	:
SACHA NOAM BARON COHEN, SHOWTIME	:
NETWORKS, INC., AND CBS CORPORATION,	:
	:
Defendants.	:
.....	x

**DECLARATION OF ELIZABETH A. MCNAMARA IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

1. I am a partner at the law firm of Davis Wright Tremaine LLP, counsel for Defendants Sacha Noam Baron Cohen (“Cohen”), Showtime Networks, Inc. (“SNI”) and CBS Corporation n/k/a ViacomCBS Inc. (“ViacomCBS”) (collectively, “Defendants”). I submit this declaration in support of Defendants’ Motion for Summary Judgment. I have personal knowledge of the facts herein.

2. In connection with Defendants’ Motion for Summary Judgment, Defendants produced documents to Plaintiffs relevant to the motion, and Plaintiffs took the depositions of Cohen, Todd Schulman, and Jenifer Wallis.

3. Attached hereto as Exhibit 1 is a true and correct copy of *Woman says Roy Moore Initiated Sexual Encounter When She was 14, He was 32*, an article authored by Stephanie McCrummen and published by *The Washington Post* on November 9, 2017, retrieved from <http://wapo.st/2zvHx84>.

4. Attached hereto as Exhibit 2 is a true and correct copy of *Woman Shares New Evidence of Relationship with Roy Moore When She was 17*, an article authored by Stephanie

McCrummen and published by *The Washington Post* on December 4, 2017, retrieved from <http://wapo.st/2AoUTDq>.

5. Attached hereto as Exhibit 3 is a true and correct copy of *Once a Long Shot, Democrat Doug Jones Wins Alabama Senate Race*, an article authored by Alexander Burns & Jonathan Martin and published by *The New York Times* on December 12, 2017, retrieved from <https://nyti.ms/2C8yEQz>.

6. Attached hereto as Exhibit 4 is a true and correct copy of *Alabama's Women Wrote the Verdict on Roy Moore*, an article authored by Jonathan Allen and published by *NBC News* on December 13, 2017, retrieved from <https://nbcnews.to/2nWTpf9>.

7. Attached hereto as Exhibit 5 is a true and correct copy of the complaint filed on April 30, 2018, by Roy Moore and Kayla Moore against Richard Hagedorn, Marjorie Leigh Corfman, Debbie Wesson Gibson, Beverly Young Nelson, Tina Turner Johnson, and Fictitious Defendants 1-19 in the Circuit Court of Alabama, Etowah County, Docket number 31-CV-2018-900346.00.

8. Attached hereto as Exhibit 6 is a true and correct copy of *Roy Moore's Wife, Kayla Moore, Loses Bid for State Republican Executive Committee*, an article authored by Connor Sheets and published by *AL.com* on June 6, 2018, retrieved from <http://s.al.com/y7j0TPi>.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition of Sacha Baron Cohen, held on January 13, 2021.

10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the deposition of Todd Schulman, held on January 14, 2021.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of Jenifer Wallis, held on January 14, 2021 ("Wallis Tr.").

12. Attached hereto as Exhibit 10 is a true and correct copy of the Articles of Organization for Yerushalayim Television, LLC (“YTV”), produced in discovery by Defendants bearing Bates stamps DEF0000001 – DEF0000004, introduced as Exhibit 2 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 28:15-29:18. This document is publicly available from the website of the Wyoming Secretary of State.

13. Attached hereto as Exhibit 11 is a true and correct copy of the Registered Agent Services Agreement between YTV and Hirst Applegate, produced in discovery by Defendants bearing Bates stamps DEF0000006 – DEF0000009, introduced as Exhibit 3 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 37:1-21.

14. Attached hereto as Exhibit 12 is a true and correct copy of the 2018 Annual Report for YTV, produced in discovery by Defendants bearing Bates stamps DEF0000014 – DEF0000015, introduced as Exhibit 5 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 43:3-21. This document is publicly available from the website of the Wyoming Secretary of State.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Wyoming Secretary of State page for YTV, which is publicly available from the website of the Wyoming Secretary of State.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Articles of Organization for Greenpark Television, LLC (“Greenpark”), produced in discovery by Defendants bearing Bates stamp DEF0000032, introduced as Exhibit 6 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 50:4-52:3. This document is publicly available from the website of the California Secretary of State.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Statement of Information for Greenpark dated June 5, 2017, produced in discovery by Defendants bearing Bates stamp DEF0000033, introduced as Exhibit 7 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 52:9-23. This document is publicly available from the website of the California Secretary of State.

18. Attached hereto as Exhibit 16 is a true and correct copy of a notification from the United States Internal Revenue Service that Greenpark had been assigned an Employer Identification Number for federal tax purposes, produced in discovery by Defendants bearing Bates stamps DEF0000034 - DEF0000035, introduced as Exhibit 8 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 53:3-13.

19. Attached hereto as Exhibit 17 is a true and correct copy of the Articles of Organization for La Quinta Entertainment, LLC (“La Quinta”), produced in discovery by Defendants bearing Bates stamp DEF0000036, introduced as Exhibit 9 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 54:4-17. This document is publicly available from the website of the California Secretary of State.

20. Attached hereto as Exhibit 18 is a true and correct copy of the Statement of Information for La Quinta dated April 17, 2017, bearing Bates stamp DEF0000037, introduced as Exhibit 10 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 55:14-56:10.

21. Attached hereto as Exhibit 19 is a true and correct copy of the Operating Agreement for La Quinta, produced in discovery by Defendants bearing Bates stamps DEF0000039 - DEF0000044, introduced as Exhibit 12 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 58:24-60:2.

22. Attached hereto as Exhibit 20 is a true and correct copy of the Articles of Organization for Please You Can Touch, LLC (“PYCT”), produced in discovery by Defendants bearing Bates stamp DEF0000045, introduced during the deposition of Jenifer Wallis as Exhibit 13, and authenticated therein. *See* Wallis Tr. at 60:16-61:10. This document is publicly available from the website of the California Secretary of State.

23. Attached hereto as Exhibit 21 is a true and correct copy of the Operating Agreement for PYCT, produced in discovery by Defendants bearing Bates stamps DEF0000048 - DEF0000055, introduced as Exhibit 14 during the deposition of Jenifer Wallis, and authenticated therein. *See* Wallis Tr. at 71:1-13.

24. Attached hereto as Exhibit 22 is a true and correct copy of the Statement of Information for PYCT dated January 13, 2019, which is publicly available from the website of the California Secretary of State, naming Cohen in the section setting forth the Manager(s) and Member(s) of PYCT.

25. Attached hereto as Exhibit 23 is a true and correct copy of the Statement of Information for PYCT dated May 1, 2019, which is publicly available from the website of the California Secretary of State, naming Cohen in the section setting forth the Manager(s) and Member(s) of PYCT.

26. Attached hereto as Exhibit 24 is a true and correct copy of the First Amended Complaint in *Martin v. Mazer, et al.*, No. 08-cv-1828 (S.D.N.Y.).

27. Attached hereto as Exhibit 25 is a true and correct copy of the First Amended Complaint in *Streit, et al. v. Twentieth Century Fox Film Corp.*, No. 08-cv-1571 (S.D.N.Y.).

28. Attached hereto as Exhibits 26-28 are the consent agreements signed by the plaintiffs in cases arising out of their participation in the production of the film *BORAT* –

Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan (which was produced by and starred Defendant Cohen), which were consolidated in this District before Judge Preska and dismissed on September 3, 2008. See *Psenicska v. Twentieth Century Fox Film Corp.*, Nos. 07 Civ. 10972, *et al.*, 2008 WL 4185752, at *3 n.10 (S.D.N.Y. Sept. 3, 2008) (identifying the filings containing the copies of each agreement), *aff'd*, 409 F. App'x 368 (2d Cir. 2009). In particular:

- a. Attached hereto as Exhibit 26 is a true and correct copy of a Standard Consent Agreement signed by Michael Psenicska, plaintiff in *Psenicska v. Twentieth Century Fox Film Corp.*, No. 07-cv10972 (S.D.N.Y.), filed as Exhibit A to the Declaration of Joan Hansen in Support of Defendants' Motion to Dismiss the Complaint in that case (ECF No. 10-2). Address and phone number information of the plaintiff has been redacted from this version of the exhibit.
- b. Attached hereto as Exhibit 27 are true and correct copies of Standard Consent Agreements signed by Cindy Streit, Sarah Moseley, Ben K. McKinnon, Michael M. Jared, and Lynn S. Jared, plaintiffs in *Streit, et al. v. Twentieth Century Fox Film Corp.*, No. 08-cv-1571 (S.D.N.Y.), collectively filed as Exhibit D to the Declaration of Joan Hansen in Support of Defendants' Motion to Dismiss the First Amended Complaint in that case (ECF No. 10-5). Address and phone number information of the plaintiffs has been redacted from this version of the exhibit.
- c. Attached hereto as Exhibit 28 is a true and correct copy of a Standard Consent Agreement signed by Kathie Martin, plaintiff in *Martin v. Mazer, et al.*, No. 08-cv1828 (S.D.N.Y.), filed as Exhibit B to the Declaration of R. Metcalf in

Support of Defendants' Motion to Dismiss the First Amended Complaint in that case (ECF No. 14-4). Address and phone number information of the plaintiff has been redacted from this version of the exhibit.

29. Attached hereto as Exhibit 29 is a true and correct copy of the transcript of the hearing on April 29, 2019, before Hon. Thomas F. Hogan in the U.S. District Court for the District of Columbia, on the Defendants' motion to transfer the case to this Court pursuant to 28 U.S.C. § 1404.

I declare under the penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct to the best of my knowledge and belief.

EXECUTED this 8th day of February 2021

/s/ Elizabeth A. McNamara
Elizabeth A. McNamara